

1 PHILLIP A. TALBERT
United States Attorney
2 MATHEW W. PILE
Associate General Counsel
3 Office of Program Litigation, Office 7
Office of the General Counsel
4 Social Security Administration
5 MARGARET BRANICK-ABILLA
Special Assistant United States Attorney
6 6401 Security Boulevard
7 Baltimore, MD 21235
Telephone: (510) 570-4809
8 Email: Margaret.Branick-Abilla@ssa.gov
Attorneys for Defendant
9

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 JOHN SILVA DIAS,) Case No. 1:22-cv-01452-GSA
13)
14 Plaintiff,) **STIPULATION TO VOLUNTARY**
15) **REMAND PURSUANT TO SENTENCE**
16 vs.) **FOUR OF 42 U.S.C. § 405(g); ORDER**
17)
18 KILOLO KIJAKAZI, Acting)
Commissioner of Social Security,)
19 Defendant.)
_____)

20
21 IT IS HEREBY STIPULATED, by and between the parties, through their respective
22 counsel of record, with the approval of the Court, that this action be remanded for further
23 administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

24 On remand, the Commissioner will offer Plaintiff the opportunity for a new hearing,
25 further develop the record as necessary, and issue a new decision.

26 The parties further request that the Clerk of the Court be directed to enter a final judgment
27 in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

28 Respectfully submitted,

1 Dated: May 9, 2023

LAW OFFICES OF FRANCESCO BENAVIDES

2 By: /s/ Francesco Benavides*

3 FRANCESCO BENAVIDES

4 Attorneys for Plaintiff

[*As authorized by e-mail on May 9, 2023]

5 Dated: May 12, 2023

6 PHILLIP A. TALBERT

7 United States Attorney

8 By: /s/ Margaret Branick-Abilla

9 MARGARET BRANICK-ABILLA

10 Special Assistant United States Attorney

11 Attorneys for Defendant

12 **ORDER**

13 Pursuant to stipulation, it is **ORDERED** that this action is remanded for further
14 administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the
15 Commissioner will offer Plaintiff the opportunity for a new hearing, further develop the record as
16 necessary, and issue a new decision.

17 The Clerk of the Court is directed to enter a final judgment in favor of Plaintiff, and
18 against Defendant, reversing the final decision of the Commissioner

19
20 IT IS SO ORDERED.

21 Dated: May 12, 2023

22 /s/ Gary S. Austin

23 UNITED STATES MAGISTRATE JUDGE